

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA**

VERNON ROBERTS, AS PERSONAL)
REPRESENTATIVE OF THE ESTATE)
OF MARTHA DARLENE ROBERTS,)
DECEASED,)
PLAINTIFF)

VS.

CIVIL ACTION FILE NO.
2:07-MC-3373-MHT

BARBARA ANN ROBERTS, AND)
ROBERT JOHN SCHIESS, III,)
DEFENDANTS)

MOTION TO BE ADMITTED PRO HAC VICE

COMES NOW, C. Gregory Price, P.C., as counsel for the respondent in the above referenced matter and as counsel for Robert John Schiess, III, defendant in the underlying civil action for (i.e. United States District Court for the Northern District of Georgia, Rome Division case No. 4:07cv-025-HLM) and files this Motion to Be Admitted Pro Hac Vice in order to respond to that Motion to Quash filed by Haran Lowe, Esq., on behalf of the deponent and the State of Alabama, and shows as follows:

PREAMBLE

Counsel shows that he has forwarded by United States Mail a written application for Admission to Practice on form M/D-39 as revised 6/04 along with this firms check for Twenty Dollars (\$20.00) [firm check #6501] and the original Certificate of Good Standing in the United States District Court for the Northern District of Georgia all posted on the 27th day of September, 2007.

MOTION

Movant prays that this Honorable Court, pursuant to Local Rule 83.1(b) allow movant to be and appear as counsel for the respondent Robert John Schiess, III as counsel admitted Pro Hac Vice during the pendency of this matter before this Court.

Local Rule 83.1(b) provides that, “Any attorney who is not a member of the Bar of this Court but who is admitted to practice before the United States District Court for the district in which such person regularly resides or regularly practices law, may, upon request, be admitted pro hac vice by an order of any district judge, magistrate judge, or bankruptcy judge of this Court. A certificate of good standing from the district in which the attorney is admitted must be attached to his/her request for admission pro hac vice .”

In support of this motion, Movant attaches to this Motion, as exhibit “A”, a copy of his Application for Admission to Practice (form M/D39); a copy of his Certificate of Good Standing from the Northern District of Georgia (form AO 136) and a copy of his firm check #6501 for \$20.00 which have all been tendered via US Mail and received by the Clerk of the Court.

CONCLUSION

WHEREFORE, respondent prays that this Honorable Court GRANT to C. Gregory Price as counsel for Robert John Schiess, III, his Motion to be allowed to appear Pro Hac Vice and respond to the State of Alabama’s Motion to Quash.

Respectfully Submitted,

/s/ C. Gregory Price, P.C.

C. Gregory Price, P.C.

For Defendant ROBERT JOHN SCHIESS, III

P.O. Box 69
309 East Second Ave.
Rome, GA 30162-0069
706-236-9935
Georgia Bar No. 587657

Exhibit "A"
Consisting of three pages

M/D-39 revised 6/04

THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA

APPLICATION FOR ADMISSION TO PRACTICE ¹

¹ This is an application for admission to the BAR OF THE COURT, fee for which is \$170.00 as of 06/04. Application to APPEAR PRO HAC VICE should be by motion, accompanied by a fee of \$20.00 and a certificate of good standing as detailed in local rule 83.1.

C. Gregory Price	260-74-0030
Full Name	Social Security Number
C. Gregory Price, P.C./Smith, Price & Wright, LLP Attys	P.O. Box 69, 309 East Second Ave., Rome, GA 30162-0069
Firm/Business Associated with, if any	Firm/Business Address
706-236-9935	706-236-9004
Business Telephone Number	Business Fax Number
300 East Fourth Ave., Rome, GA 30162-0069	706-290-0921
Home Address	Home Telephone Number
Georgia Supreme Court June 1980	United State Dist Ct., N.D.GA, GA Supl/Ct App/ 11th Cir. Ct. Apps US
Date admitted to Supreme Court of Alabama & State Bar Code	Other courts admitted to practice
Date 9/27/07	Signature of Applicant

You must pay a fee of \$170 and comply with **either** local rule 83.1(a)(1)(A) **or** local rule 83.1(a)(1)(B) below:

either...

Local rule 83.1(a)(1)(A) allows an applicant to the Bar of this Court to be admitted on order of a district judge of this Court and the administering of the prescribed oath. Applicant must be present to meet with the district judge and to be administered the oath.

MOTION FOR ADMISSION

The undersigned, _____, a member of the bar of the United States District Court for the Middle District of Alabama, does hereby move that the foregoing applicant be admitted to practice as an attorney of this Court, this the _____ day of _____, _____.

Signature of Movant

ORDER FOR ADMISSION

Ordered that the above motion to admit applicant to the Bar of this Court is hereby granted. Signed this the _____ day of _____, _____.

Signature of District Judge

or.....

Pursuant to local rule 83.1(a)(1)(B), enclose a current and original Certificate of Good Standing _____

Excerpt from Local Rule 83.1 Attorneys: Admission to Practice and Disciplinary Proceedings.

a) Bar of Court. The Bar of this Court consists of those persons previously admitted to (and not removed from) the Bar of this Court and of those persons who hereafter are admitted under this rule.

(1) Any attorney who is admitted to practice before the Supreme Court of Alabama may be admitted to the Bar of this Court upon the submission of an application, payment of the prescribed admission fee, and

(A) the order of a district judge of this Court (on oral or written motion by a member of the Bar of this Court or on the Court's own motion), and the administering of the prescribed oath before any judge (or other designee) of this Court; or

(B) the filing of a certificate of good standing from the Clerk of the United States District Court located within the district in which the applicant resides or regularly practices law.

(b) Appearance Pro Hac Vice. Any attorney who is not a member of the Bar of this Court but who is admitted to practice before the United States District Court for the district in which such person resides or regularly practices law, may, upon request, be admitted pro hac vice by an order of any district judge, magistrate judge, or bankruptcy judge of this Court. A certificate of good standing from the district in which the attorney is admitted must be attached to his/her request for admission pro hac vice. Any such attorney who appears as counsel by filing any pleading or paper in any case pending in this Court shall, contemporaneously with the filing of such papers, apply for admission pro hac vice as set out herein.

--Check our web page on www.almd.uscourts.gov for current rules and fees --

AO 136 (Rev. 9/98) Certificate of Good Standing

UNITED STATES DISTRICT COURT

Northern

DISTRICT OF

Georgia

**CERTIFICATE OF
GOOD STANDING**

I, James N. Hatten, Clerk of this Court,
certify that Charles Gregory Price, Bar # 587657,

was duly admitted to practice in this Court on

8/20/1981

DATE

, and is in good standing

as a member of the Bar of this Court.


Dated at Rome on 9/27/2007.
LOCATION DATE

JAMES N. HATTEN

CLERK

Debbie Bulkhalter

DEPUTY CLERK

C. GREGORY PRICE, P. C. ATTORNEY AT LAW GENERAL ACCOUNT P. O. BOX 69 706-236-9935 309 EAST SECOND AVE ROME, GA 30162		6501 64-22/610 BRANCH 54001
PAY TO THE ORDER OF <u>WACHOVIA BANK, N.A.</u>		DATE <u>7/27/07</u>
<u>100.00</u>		\$ <u>100.00</u>
		DOLLARS
 WACHOVIA Wachovia Bank, N.A. wachovia.com		
FOR _____		
⑈006501⑈ ⑆061000227⑆ 2080000533867⑈		

CERTIFICATE OF SERVICE

This is to certify that the undersigned has served a copy of the above and foregoing Motion for Admission Pro Hac Vice by counsel, C. Gregory Price for Respondent/Defendant Robert John Schiess by United States Mail this date and as well by sending a copy of this by electronic means by filing the same with the ECF/CM system for the United States District Court for the Middle District of Alabama to insure that the same will be electronically served to all parties and counsel of record as follows:

J. ANDERSON DAVIS, ESQ. P.O. Box 5513 Rome, GA 30162-5513

BARBARA ANN ROBERTS, c/o Cherokee County Detention Center, 110 Cedar Bluff Road, Centre, AL 35960-0000

Robert F. Johnston, Jr., C/O Cherokee County District Attorneys Office, 300 Grand Ave. South, Suite 505 Dekalb County Courthouse, Fort Payne, AL 35967.

J. Haran Lowe, Jr. Esq., State's Counsel for State of Alabama Department of Public Safety, Legal Unit P.O. Box 1511, Montgomery, Alabama 36102

Clerk, United States District Court, Middle District of Alabama,

Debra Hackett, P.O. Box 711 Montgomery, AL 36101-0711
Respectfully Submitted,

/s/ C. Gregory Price, P.C.
C. Gregory Price, P.C.
For Defendant ROBERT JOHN SCHIESS, III

P.O. Box 69
309 East Second Ave.
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DEFENDANTS)

ORDER GRANTING
MOTION TO BE ADMITTED *PRO HAC VICE*

The Court, after consideration of the Motion for Admission Pro Hac Vice by C. Gregory Price, attorney in the above action, and after determining that said attorney is an attorney in Good Standing as admitted to the United States District Court for the Northern District of Georgia, from which this action derives, and for Good Cause Shown does hereby Order that C. Gregory Price, attorney shall be admitted in this action Pro Hac Vice pursuant to the provisions of Local Rule 83.1(b).

This _____ day of October, 2007

Judge, United States District Court
Middle District of Alabama